

RESOLUTION NO. CZAB14-24-03

WHEREAS, **AVOCADO ACRE HOMES DEVELOPMENT CORP.** applied for the following:

AU to EU-S

SUBJECT PROPERTY: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east 200' of the west 477.3' of the north $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and less the west 7' of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 33, Township 56 South, Range 39 East.

LOCATION: Lying on the Southeast corner of S.W. 272 Street and S.W. 157 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter, it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-1 would not be compatible with the neighborhood and area concerned, and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB14-8-03, and

WHEREAS, **AVOCADO ACRE HOMES DEVELOPMENT CORP.** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to EU-S

SUBJECT PROPERTY: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east 200' of the west 477.3' of the north $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and less the west 7' of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 33, Township 56 South, Range 39 East.

LOCATION: Lying on the Southeast corner of S.W. 272 Street and S.W. 157 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate Resolution CZAB14-8-03 and remand the application back to Community Zoning Appeals Board 14 for further consideration, and the application was remanded by Resolution Z-5-03, and

WHEREAS, **AVOCADO ACRE HOMES DEVELOPMENT CORP.** applied to CZAB 14 for the following:

AU to EU-1

SUBJECT PROPERTY: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the east 200' of the west 477.3' of the north $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ less the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and less the west 7' of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 33, Township 56 South, Range 39 East.

LOCATION: Lying on the Southeast corner of S.W. 272 Street and S.W. 157 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- 1) **Controlling Site Plan.** That said Property shall be developed substantially in accordance with the plan entitled "Redland Acres Avocado Homes," as prepared by E.R. Brownell & Associates, Inc., dated stamped received September 29, 2003, and consisting of one (1) sheet. Said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the Declaration.
- 2) **Density.** Notwithstanding the approval of the application or the EU-1 zoning classification, the Property may be developed with a maximum of thirty-two (32) single-family homes.
- 3) **Preservation of Existing Avocado Trees.** Notwithstanding the approval of the application, the Owner, its successors and assigns shall preserve and thereafter maintain, at their own expense, all of the existing avocado trees that are currently

located within an area defined as (1) the front thirty-five feet (35') of the front yard of each lot within the subdivision, except for points of egress and ingress for each lot, and (2) the rear twenty-five feet (25') of the rear yard of each lot within the subdivision (the "Preservation Area"). The Owner, its successors and assigns shall be permitted to trim and prune the trees within the Preservation Area in accordance with generally accepted practices in the agricultural industry. The Owner, its successors and assigns shall promptly replace, at their own expense, any diseased tree within the Preservation Area.

- 4) **Installation of Fence.** Prior to the issuance of a final zoning inspection for the last dwelling unit to be constructed on the Property, the Owner shall install a three railing fence along the frontage of any lot (except for points of egress and ingress) that faces SW 272 Street, SW 276 Street, SW 157 Avenue or SW 154 Avenue. Said fence shall be installed at a minimum of ten feet (10') from the edge of the pavement, and shall be maintained by the owners of the adjacent lots.
- 5) **Waiver of Sidewalk.** Prior to the approval of a final plat for any portion of the Property, the Owner shall seek from the Miami-Dade County Plat Committee a waiver of the requirement to install sidewalks along SW 272 Street, SW 276 Street, SW 157 Avenue, and SW 154 Avenue. Subject to the Plat Committee's approval of said waiver, unless otherwise required by law, sidewalks shall not be installed along SW 154 Avenue, SW 157 Avenue, SW 276 Street or SW 272 Street.
- 6) **Waiver of Requirement for Street Lighting.** Prior to the approval of a final plat for any portion of the Property, pursuant to Sec. 28-19 of the Miami-Dade County Code, the Owner shall file an application for a non-use variance for a waiver of the requirement for the installation of streetlights in connection with the development of the Property. Subject to the approval of said request, street lights shall not be included as part of the subdivision improvements for the Property. In the event that said request is denied, the Owner shall install streetlights within the Property in accordance with the platting and subdivision requirements of the Public Works Department.
- 7) **Setback and Height Restrictions.** Notwithstanding the approval of the Application or the EU-1 zoning classification of the Property, the following additional requirements shall control the development of Lot 1/Block 1, Lot 1/Block 2, and Lot 24/Block 2, as shown on the Plan:
 - (a) The interior side (east) setback on Lot 1/Block 1 shall be a minimum of forty feet (40') and no structure shall be higher than one (1) story.
 - (b) The interior side (west) setback of Lot 1/Block 2 shall be a minimum of twenty-five feet (25') and no structure shall be higher than one (1) story.
 - (c) The interior side (south) setback on Lot 24/Block 2 shall be a minimum of forty feet (40') and no structure shall be higher than one (1) story.

Additionally, prior to the issuance of a building permit for any dwelling unit on Lot 1/Block 1, Lot 7/Block 1, Lot 8/Block 1, Lot 1/Block 2, Lot 14/Block 2, and Lot

24/Block 2, the Owner shall install and thereafter maintain, at its own expense, a six foot (6') high, vinyl coated chain link fence (or such other equivalent fence as may be acceptable to the Planning Director) and a hedge (of such plant species as may be acceptable to the Planning Director) along (i) the eastern boundary of Lot 1/Block 1, Lot 7/Block 1, and Lot 8/Block 1, (ii) the southern boundary of Lot 14/Block 2 and Lot 24/Block 2 and (iii) the western boundary of Lot 1/Block 2.

8. **Minimum Floor Area.** Notwithstanding the approval of the Application or the proposed EU-1 zoning classification of the Property, each dwelling unit within the Property (including accessory uses and structures) shall contain a minimum floor area, as defined by the Miami-Dade County Code, of 2,700 square feet.
9. **Prohibition Against Manufactured Homes.** Notwithstanding the approval of the Application or the proposed EU-1 zoning classification of the Property, no manufactured structure may be occupied as a dwelling unit within the Property.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-1 would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to approve the application was offered by Charlie McGarey, seconded by Curtis Lawrence, and upon a poll of the members present the vote was as follows:

Samuel L. Ballinger	absent	Curtis Lawrence	aye
Mabel G. Dijkstra	nay	Charlie McGarey	aye
Don Jones	absent	Dr. Pat Wade	aye

Wilbur B. Bell	aye
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NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-1 be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 30th day of September 2003.

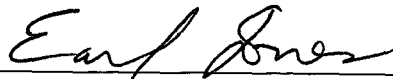
Hearing No. 03-2-CZ14-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

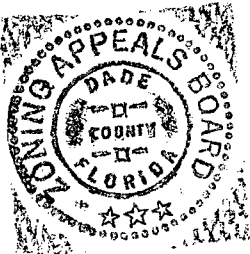
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board CZAB# 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-24-03 adopted by said Community Zoning Appeals Board at its meeting held on the 30th day of September 2003.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of October 2003.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

IMPACT FEE SECTION
(786) 315-2670 • SUITE 145

ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223

ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106

ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

Avocado Acre Homes Development Corp.
C/o Juan J. Mayol, Jr., Esquire
Akerman Senterfitt
One Southeast Third Avenue
28th Floor
Miami, FL 33131-1714

Re: Hearing No. 03-2-CZ14-1(02-302)
Location: Lying on the southeast corner of SW 272 Street and SW 157 Avenue,
Miami-Dade County, Florida

Dear Mr. Mayol:

Enclosed herewith is Resolution No. CZAB14-24-03, adopted by the Miami-Dade County Community Zoning Appeals Board 14, which accepted a Declaration of Restrictions and approved your client's request for a district boundary change to EU-1 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure(s)